



**City of Bloomington
Environmental Commission**

ENVIRONMENTAL COMMISSION MINUTES

Thursday, February 20, 2014, 7:00 pm
City Hall – McCloskey Room, 401 North Morton Street

Attending:

Carissa Moncavage (Chair), Sean Gorman (Vice Chair), Chaim Julian (Treasurer), Kristie Lindberg, Louise Sharrow, Dedaimia Whitney, Mike Litwin, Diane Jung, Andrew Carty, Norman Crampton, Linda Thompson (Staff), Jayne Piepenburg (SPEA Fellow), Krista Mantsch (Intern)

Absent:

1. Introductions (5 min) (Time Mark: 7:01 PM)
2. Announcements (5 min) (Time Mark: 7:01 PM)
 - A. Next Environmental Commission meeting: Thursday, March 27th, 7:00 pm, McCloskey Room
 - B. Next Planning Committee meetings: February 26th, March 13th, 4:00 pm, Planning Dept.
 - C. Next Tree Commission meeting: March 19th, 9:30 am, Rose Hill building
 - D. Next BCOS meeting: March 11th, 6:00 pm, McCloskey Room
 - E. Next Co. Environ. Quality & Sus. Com. meeting: March 12th, 5:30 pm, Rm. 100 Showers North
 - F. Next ERAC meeting: April 9th, 4:30 pm, Cascades Park
 - G. Next MPO Citizens Advisory Committee meeting: February 26th, 6:30 pm, McCloskey Room
3. Approval of January minutes (5 min) (Time Mark: 7:04 PM)
 - A. Litwin moves to approve, Jung seconds. Julian abstains. The motion passes 9:0
4. Public comment (5 min) (Time Mark: 7:06 PM)
 - A. Rick Dietz introduces himself as a resident living nearby the proposed Habitat for Humanity project.
 - B. Carol Gulyas introduces herself as President of the Near West Side Neighborhood Association.
5. Guest speaker, Bennett Brabson, Ph.D., IU professor of physics, expert on solar power, and electric utility rebate issues (30 min)
 - A. Crampton introduces Bennett Brabson.
 - B. Brabson begins his presentation by going over the conclusions of basic climate change science, including the Keeling curve. He concludes that although it is true that the earth will undergo climate change to a certain extent regardless of our actions now (“we’re in it for the ride”), that does not mean that there is nothing we can do or that we should do nothing
 - C. Brabson continues his discussion by focusing on climate change impacts in the Midwest. He focuses on temperature increase impacts on crops like corn and soybeans, and indicates that temperature increases will decrease the capacity of the Midwest to support these staple crops.
 - D. Brabson says that the production of electricity by Duke Energy and Hoosier Energy is primarily by processing coal. About 25% of Hoosier Energy and 15% of Duke’s production comes from Natural Gas.

The amount of carbon dioxide produced per KWh is large for coal and natural gas. Brabson reminds the commission that a major source of carbon dioxide emissions is through the production of power and electricity.

- E. Duke and Hoosier Energy's websites are remarkably positive about environmental initiatives, and would convince us in a moment that they are our best allies. However, the actions of these companies may not align with the views expressed in their media.
- F. There is an EPA regulation that is being discussed right now that says that future power plants in the US must produce less than 1100 pounds carbon dioxide per mega-watt of energy. The production of a kilowatt hour of electricity produces about two pounds of carbon dioxide. So, the proposed limits are a threat to utility companies because the limit that has been set is a limit that would exclude coal unless these plants use carbon capture, which is both expensive and technically challenging. The regulations would mean that over the next 30 years that power plants must phase out their production of carbon dioxide, giving the likes of Duke time to switch away from coal to natural gas, which is a factor of two better than coal in terms of carbon dioxide emissions. Duke's 20 year plan currently proposed no new coal plants; however, Hoosier Energy just invested in a one billion dollar upgrade to one of their coal plants and is understandably very unhappy with this regulation. Currently EPA regulations only apply to new power plants, but energy utilities fear that these regulations will soon apply to existing facilities.
- G. The business model of traditional utilities may also be threatened by net metering. Given the monopoly model, energy producers are in charge and consumers do not have a choice about who generates your electricity. Now that consumers are able to generate their own energy, this might be a threat to the monopoly model.
- H. Those engaged in distributed generation (owners of solar panels) in Bloomington can typically expect about 25,000 kilowatt hours per year from approximately 20 kilowatts of power, which equates to about \$2,500 worth of electricity subtracted directly from their energy bills. Net metering means that electricity meters run backward and only any remaining electricity consumption is owed to the utility, which means that distributed generators are essentially compensated at the retail rate. Utilities argue that because distributed generators are not "paying their fair share," utilities are obliged to raise the cost of electricity for everyone else. After running through some rough calculations, Brabson concludes that Duke is experiencing a very minimal cost shift as a result of distributed generation in Indiana, and that if the cost of averted carbon dioxide emissions were taken into consideration in these calculations, Duke is even gaining from distributed generation.
- I. Brabson offers a few suggestions for the Environmental Commission:
 - a. The EC should make sure that information is both available (and regularly updated) on the City's website about how to implement renewable energy.
 - b. The general tenor around the country is to try and shut down net metering. Utilities are trying to convince others like IN Utility Regulatory Commission to shut down net metering; utilities would like to start charging a high fee ("connection fee") to distributed generators to compensate them for the fact distributed generators are not contributing to the cost of grid maintenance. The EC could write to IURC, make the argument that, at present, net metering is enormously beneficial to citizens of the State. This can be supported with data from churches, homes, information about the direction of increase, and so on, and by pointing out to IURC that there is someone paying attention to what's going on and that IURC should be aware that there are strong arguments on the side of net metering.
 - 1. Brabson can supply the EC with a template letter.
 - c. Brabson's opinion is that the Utilities are not planning to attack net metering in the next year.
 - d. Brabson also recommends that the EC communicate directly with Duke to remind that there are all kinds of things they could do as a company, such as provide funding for schools and other organizations which would allow them to do more distributed generation, under the assumption that they take the agendas identified on their website seriously.

6. Committee reports & discussions (50 min)

(Time Mark: 7:51 PM)

- A. Planning Committee & Sr. Environmental Planner (15 min: Chaim, Mike, Dedaimia, Andrew, Linda)
 - a. Habitat for Humanity Neighborhood

1. The site is on the west side of Rogers St. between the B line trail and the active railroad tracks, and the active railroad tracks run next to Butler Park. The plan is to subdivide the property and change it's zoning to PUD to tailor the regulations to better fit the site than regular UDO regulations. The subdivision will be along 1600 feet of frontage. The subdivision is planned to contain up to 35 units, mostly single family detached homes as well as 14-16 paired units. The center is a common area, "the common green," with grass and some trees. The east end will contain a detention basin connecting to some storm water utilities, and the west end is currently proposed to be a preservation area.
2. The ECPC would prefer that the area on the west end of the plot be designated as conservation rather than preservation.
 - i. The developers have a tree preservation plan, and will keep as many of the trees in the common green as they can, and they will also keep trees behind the houses, as the area behind the houses up to 10 feet from the property line is also intended to be tree preservation.
 - ii. The houses will be 2-3 bedrooms, and the developer is asking for less tree preservation than the UDO would require under regular zoning. This is a common practice with a PUD.
3. There have been many questions about possible soil contamination. The developers have had a Phase 1 Environmental Assessment done on the two separate parcels, so there are two separate Phase 1 reports. The recommendation of the first Phase 1 report was no further action, and the second Phase 1 recommended some further study of certain aspects.
4. Moncavage asks whether if in the second Phase 1 Environmental Assessment the assessors took soil samples, and if so if they found anything of significance
 - i. Thompson says that she isn't comfortable interpreting the findings of the report, but that the Phase 1's are available from public record.
5. Moncavage asks if the second Phase 1 advised that the developers should conduct further study with regards to soil contaminants.
 - i. Thompson says that whether the developer does further study won't be up to us, because the city has no regulations regarding the kind of contaminants that could potentially show up, and that this issue is governed by the EPA as the developer will be asking the federal government for funds and federal funding has certain standards. So federal agencies will be responsible for requiring and enforcing studies.
6. Gorman asks why the developers have a compelling interest for the trees be in a tree preservation area rather than a tree conservation area.
 - i. Thopson responds, saying that the developers rational was that the area could provide passive recreation. The common green area will have a swing set area, and tree preservation area could perhaps have a trail and be used by residents to walk in.
7. Gorman asks if there was discussion of connecting this to Ernest-Butler Park.
 - i. Thompson adds that one of the conditions of agreement with railroad for the developer is that they must put up a chain-link fence along the frontage of the property adjacent to the railroad. In order to keep a path from the property to the park, the developer must put the crossing at the end of the property.
 - ii. Where the developer is planning to put the new pedestrian trail is a few feet from where there's already a path, a place people have been accustomed to walking through.
8. Jung asks about the residential density of the area; she asks how the city and the developer decides how many units are allowed in one area.
 - i. Thompson responds by saying that the rational is largely financial. The developer is proposing higher density than would be permitted under straight zoning, and that this

- is part of the reason why the developers would like to have a PUD which would permit higher density.
- ii. The project developer representative adds that while the plots might be smaller than regular zoning size, the residents will have common green and wooded area.
9. Myerson asks how many units per acre are proposed.
 - i. Thompson isn't sure exactly but will look it up for Myerson.
 1. A representative of the project in the audience adds that the ratio is a little less than 8 units/acre.
 2. Rick Dietz says that he lives nearby, and another way to think about this issue is how many acres per resident. The proposal contains almost no yards, relying on common space to make up for the fact that there's no space around the houses. Dietz adds that he supports the development of affordable housing in the community, but that it needs to be weighed against other goals. Originally he was told that there would be about 20 units, and that number has since been doubled because of the cost effectiveness of the plan,--the developers business model wouldn't succeed without that extreme increase in density. Dietz is concerned about water retention as a result of the increase in non-permeable surface. He has a keen interest because his house is in the northwest corner and that area already floods; the area flooded last year even with the addition of the stormwater infrastructure that was put in recently, and he doesn't see anything that indicates that this would improve the stormwater situation. Dietz also ask who in the new development would own the commons area. If there are problems, who would addresses those issues?
 - a) Thompson says that after a certain period of time (which equates to when a certain amount of the development is built) all of the commons will be owned in common by the neighborhood association, and the neighborhood association will be responsible for maintaining these things.
 - b) The developer representative in the audience adds that if there is a flooding issue the concern would originate with Bloomington Utilities, and the homeowners association would have to do any repair deemed necessary by City Utilities. After the complaint is received by City Utilities, City Utilities would review the situation, and the homeowners association in conjunction in the City would have to do any repairs or remedial work on that area.
 3. Litwin asks whether a stormwater study has been done.
 - a) Thompson says that the assignment has been given to Utilities, but that she doesn't know about the progress.
 - b) The developer representative in the audience adds that they are working with Bloomington Utilities
 10. Gorman asks what green building practices will be put in place in the development; how has green building been incorporated in the design as it has currently been proposed?
 - i. Thompson says that the petitioner has verbally said they are going to use green building practices and are planning to abide by some LEED standards, and will probably not get the whole neighborhood certified as LEED as the certification is very expensive. The developer has talked about several practices but these details are not actually included in the petitioners statement.
 - ii. The developer representative adds that Habitat for Humanity builds Energy-Star certified houses with a tight footprint, and so the development will contain compact houses to start with. The homes are meant to be low-maintenance and have longevity, so energy conservation is extremely important. Habitat is trying to be as efficient as possible.
 11. Jung asks if the developer's representative in the audience could clarify what they mean by affordable.

- i. The developer's representative says that Habitat families partner with the organization and must put in a certain number of labor hours into the house. Also, in order to be accepted to program, you have to meet a certain income level and demonstrate housing need. Most of these individuals can't get mortgages at a standard bank as they don't have work history or credit record. So, the stipulations for residents are housing need and the income level. The homes generally aren't starter homes, and the process of building through Habitat builds a strong sense of community among the homeowner and their neighbors. Habitat for Humanity gets to a segment of the population that otherwise doesn't have access to market-rate mortgages.
12. Litwin asks if the developers have any plans or idea of what proportion of the preservation area would be used for passive recreation?
 - i. Thompson says that hypothetically the developers could leave some area conservation and some other areas preservation. In terms of programmed areas and outdoor space, the common green area is a place that is imagined as a place of active programming, for example community gardens and basketball courts are mentioned, while the preservation area is intended to be very passive.
13. Carol Gulyas says that she lives on the other side of Butler Park on 8th street and that she and her community value the greenspace. She adds that once greenspace is gone it's never coming back. She adds that LEED never recommends building in an area that's never been built on before, and there aren't very many wooded areas left in town. Gulyas adds that we have a lot of Habitat Houses in the near-west side, and value them enormously, but wants the city and the developers to see the tradeoffs. She is concerned with the density and water issues. The proposed density is over area that includes noncontiguous and non-developable land, and she would like to see the city look at the gradient and other features of the land before accepting the density calculations. She is also concerned with the toxic effect on the railroad, and just because Bloomington doesn't have standards for contaminants doesn't mean that they're not a problem. Her neighborhood association voted unanimously that they don't want to shortcut the hearing process, and don't support waving the second hearing. She notes the substantial loss of habitat and species of diversity and suggests that the PUD standards are too low in this case.
14. Moncavage asks what the next step is, considering the EC has already drafted a memo and sent it to the Plan Commission,
 - i. Thompson says that the Plan Commission will decide at next meeting whether they will allow the one-hearing waiver. The EC would be able to attend the council meeting. Even though the EC memo is in the packet that went out in the late afternoon, the EC can go speak at the Plan Commission meeting, or send a representative to underscore or represent something that wasn't in the memo. If the Plan Commission deny the second hearing, the EC will have the opportunity to draft another memo, but the city is recommending the approval of one hearing.
 - ii. Whitney asks whether the Plan Commission generally follows the city's recommendations.
 1. Thompson says that they usually do but that they don't have to. The request for one hearing has been made because, as they're applying for federal money, they have to perform additional studies, such as an archeology study, a review of historic significance, and Phase 1 testing. They also had to evaluate the site for bats pursuant to the Endangered Species Act, and Thompson has not yet read the Fish and Wildlife report, but the conclusion was that there is no evidence of bats. Still, if the site is within a two mile radiance of bat habitat the developer must take the trees down before March 31, or else they cannot resume tree removal until October 1st. The reason for this is that the bats are hibernating, and once they come out of hibernation they will roost. During the roosting period trees cannot be

removed so as to not interfere with reproduction. In order to get the trees down by the deadline they'll have to skip the second hearing.

- a) The representative of the developer says that this only came to light at the end of December, and that Habitat has had three public meetings ahead of the hearings. The director, Kerry Thompson, has made herself available to anyone who wants to come to talk about the project with her. Habitat for Humanity really does not want to create the appearance that they're trying to shorten the process for any other reason.
- b) Rick Dietz says that he would like to present a counterargument against the skipping of the second hearing. He says that the greatest opportunity for citizens to have an impact on development is when it's before the Plan Commission, and that most changes occur between the two hearings. The skipping of the second hearing completely short circuits this process. If citizens go before the Plan Commission and comment on this project, and then the Plan Commission votes for the project as it is, none of the public comment makes a difference in the development and negotiation process. He recognizes the developer's problem, but he doesn't think that the business model or timing of deadlines should impede the democratic process. The waiving of a hearing is not typically done for this size of development with this level of density, so this situation is very atypical.

15. Another member of the public asks for the EC to clarify a statement made early regarding how density is not environmentally friendly.

- i. Myerson says that there are a lot of potentially environmentally-friendly aspects of dense, infill development, in addition to providing affordable housing in a community that needs it. For example, the community would have access to public transportation reducing the amount that residents would need to drive. While it is true that the development may have impacts on water or wildlife, there are still environmental benefits to growth of this type, so there is a kind of tradeoff. She thinks that there's a social good coming out of building this housing.

- 1. Carol Gulyas asks whether this is truly infill development as the property is currently greenspace. Gulyas says that infill housing fills in gaps in currently-developed areas, and does not include building in greenspace.

16. Sharrow asks whether the Plan Commission would say yes or no to the PUD at this meeting, or if they would be able to add conditions.

- i. Thompson says that normally the Plan Commission has authority to do add conditions. After the Plan Commission has finished with the proposal it goes to City Council.
- ii. Dietz says that as an observer of politics generally and of the Plan Commission, he believes it's much more likely that suggestions from the memo would be taken into consideration in the case that there are two hearings. The City Council tends not to dig into things at the level of depth that the Plan Commission does.
 - 1. The representative of the developer disagrees on one point, and adds that he's seen several situations where the Plan Commission has passed something and the City Council has added in lots of stipulations.

17. Moncavage says that from the perspective of the public, they can go to the next Plan Commission meeting and have a presence there and that's the best option.

- i. Thompson says that she doesn't think anyone wants to feel that Habitat for Humanity forcing this project through without public approval. The next Plan Commission meeting is Feb 24th. Thompson adds that an individual can speak for 5 minutes, and someone representing another commission can speak for 10 minutes.

B. L4L Natural Landscaping Committee (5 min: Diane, Kriste, Linda) (Time Mark: 8:48 PM)

- a. The L4L Committee is excited about their connection to Eco-Heroes, and would like to try and make L4L signs available at the Eco-Heroes reception.
- b. Jung met with Steve Stroop and Isaac Smith to discuss collaborative efforts with them.
- c. Jung attended the CSL meeting on Tuesday and will make a petition to them for donations for L4L.
- d. Jung ordered a window cling and is moving away from bumper sticker idea. It will be a 4x5 window cling and will cost less than 5 dollars at a reasonable quantity.
- e. Jung encourages the commissioners to volunteer for the Master Gardner Show.
- f. Jung says that after she and several other commissioners went through the EC's educational materials those present did identify a couple of materials that were duplicates, and discussed reformatting the polystyrene flyer to a size that fits in the display case. The group thought that the EC might want to make a new pamphlet addressing driveway sealants. Jung also started on a brochure about the "nasty" bugs in our world, and some of the benefits there might be to those bugs. She is also close to finishing the poison ivy flyer.
- C. CAP Committee (5 min: Dedaimia, Carrie, Norm, Andrew, Mike, Louise, Carissa, Jayne, Linda))
 - a. Piepenburg thanks the commissioners that have been hard at work on the document, and says that progress is slow but is coming along, and will make a more detailed report at the next meeting.
- D. Tree Commission (5 min: Dedaimia)
 - a. Last year Bloomington planted 370 trees, pruned 230, and removed 253. A lot of the trees that were removed were ash and maples that died from drought. Fifty trees are coming down this year, many of them Ash trees.
 - b. The city has two grants, one from the DNR for \$24,000 to replace 100 trees, and another one from ALCOA for about \$8500.
 - c. The Tree Commission will be hosting an Arbor day event on April 26th. Volunteers will plant trees tree seedlings which will go back to a greenhouse in the operations building. Lee Huss said that the mortality of seedling sent home with people on Arbor Day is 98%.
- E. MPO CAC (5 min: Chaim)
 - a. Julian was unable to attend last meeting, but will attend next meeting.
- F. Eco Heroes Committee (5 min: Kriste, Diane, Carissa, Carrie, Sean, Linda, Krista)
 - a. The theme is "Nurturing Nature in Your Neighborhood"
 - b. Draft letters and a flyer have been drawn up and will be sent out as soon as possible, and the ceremony will be April 23rd.
- 7. Old business (15 min) (Time Mark: 9:05 PM)
 - A. Follow-up on Star Report presentation (10 min: Carissa)
 - a. Thompson discussed this project with Jacqui Bauer, and Bauer said that the deadline isn't until November.
 - b. Moncavage suggests tabling this item until a future meeting. Gorman moves to table this item, Whitney seconds. The motion passes unanimously.
 - B. 2014 project list and committee membership (5 min: Carissa)
 - a. Whitney motions to table this topic until the next meeting. Gorman seconds. The motion passes unanimously.
- 8. Commissioner announcements (15 min) (Time Mark: 9:06 PM)
 - A. Thompson reminds commissioners that she can make a copy of the Phase 1 reports for the Habitat for Humanity project available to anyone who is interested.
 - a. Myerson, Moncavage and Gorman would like a copy of the Phase 1.
 - B. Litwin announces that City Council has drafted an ordinance to allow for deer removal at Griffy Lake which includes sharp shooters. Also, grass roots efforts in the Somay Neighborhood have resulted in a grant for Winter Creeper removal, and as a result everyone is invited to participate in Winter Creeper removal in Dunn Woods this Saturday from 1-4.

9. Adjournment

(Time Mark: 9:14 PM)

A. Gorman moves for the meeting to be adjourned. Jung seconds. The motion passes unanimously.